

REMARKS

Claims 1, 3-10, 14, 16, 18-21, 23, and 25-36 are pending in the instant application. Claims 1, 3-10, 14, 16, 18-21, and 25-30 presently stand rejected. Claims 1, 3, 10, 16, 21, 25, and 27 are amended herein. Claims 31-36 are newly presented. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 3-9, 21, 23, and 25-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,507,611 B1 to Imai et al. (hereinafter “Imai”).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Amended independent claim 1 now recites, in pertinent part,

preparing the decoded audio data for output, if the determining determines that the received digital audio data is encoded; and
preparing the received digital audio data **for output without decoding, if the determining determines that the received digital audio data is not encoded.**

Applicants respectfully submit that Imai fails to disclose the above-recited elements of claim 1. In fact, Imai states, “[t]he invention [disclosed in Imai] intends to **decode** and reproduce digital audio signals in real time.” *Imai*, Abstract (emphasis added). Imai further discloses,

when a request for time-series digital signals, e.g., digital audio signals, is issued from a client terminal 3 to a server 1 via a network 2 ... the server 1 **encodes** the requested audio signals with a predetermined **coding method, and resulting coded data is transmitted** to the client terminal 3 via the network 2.

Imai, col. 5, lines 14-22 (emphasis added). Thus, Imai discloses only receiving encoded data at client terminal 3. Imai does not disclose the possibility of transmitting both encoded data and unencoded data. As such, terminal 3 assumes that the time-series

digital signals are encoded and does not “determine whether the received digital audio data is encoded.” Furthermore, Imai fails to disclose terminal 3 preparing the received digital audio data for output without decoding, if the determining determines that the received digital audio data is not encoded. To be sure, Imai only discloses server 1 transmitting the time-series digital signals as encoded digital signals using one of coding units 41.

Similarly, claim 10 now recites, in pertinent part,

convert the decompressed audio data to analog audio for output, if the processor determines that the received digital audio data is compressed;
and
convert the received digital audio data to analog audio without decoding, if the processor determines that the received digital audio data is uncompressed.

For the reasons discussed above in connection with independent claim 1, Applicants submit that claim 10 is novel over Imai. Independent claims 16 and 21 include similar novel elements as claim 1. Consequently, Imai fails to anticipate each and every element of claims 1, 10, 16, and 21, as required under M.P.E.P § 2131.

Independent claim 25 now recites, in pertinent parts,

executing an audio application on a host device to play digital audio data stored on the host device;
intercepting the digital audio data output from the audio application to encapsulate the digital audio data within a plurality of data segments;

Applicants respectfully submit that Imai fails to disclose intercepting digital audio data output from an audio application for playing digital audio. In fact, Imai discloses

Audio signals to be provided to the client terminal 3 are supplied to an audio signal input circuit 31. In the audio signal input circuit 31, analog audio signals are A/D converted into digital audio signals. Then, the audio signal input circuit 31 separates the digital audio signals for each of channels, for example, and supplies them to a coding circuit 32.

Imai, col. 6, lines 5-11. Accordingly, Imai fails to disclose **intercepting** digital audio data **output from an audio application** to play digital audio data. Rather, Imai discloses providing audio signals to an input circuit 31, which then supplies them to a coding circuit 32. Imai simply does not disclose executing an audio application on server 1 or **intercepting** output from an audio application executing on server 1.

Accordingly, Applicants request that the instant §102 rejection of claim 25 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 10, 14, 16, 18-20, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai in view of U.S. Patent No. 6,185,737 to Northcutt et al. (hereinafter “Northcutt”).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

For the reasons discussed above, Imai fails to disclose, teach, or fairly suggest the above-recited elements of independent claim 1, 10, 16, 21, and 25. However, Northcutt also fails to disclose, teach, or fairly suggest the above-recited elements. To be specific, Northcutt fails to teach or suggest determining whether received digital audio data is encoded and preparing decoded audio data for output if the received digital audio data is encoded or preparing the received digital audio for output without decoding if the received digital audio data is not encoded.

Consequently, the combination of Imai and Northcutt fails to teach or suggest all elements of claims 1 and 10, as required under M.P.E.P. § 2143.03. Accordingly, Applicants request that the instant §103(a) rejections of claims 1 and 10 be withdrawn.

Dependent claims 3-9, 14, 18-20, 23, and 26-30 are patentable over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant §§ 102 and 103 rejections for claims 3-9, 14, 18-20, 23, and 26-30 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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